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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

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|----------|---|------|-------------------|
| Case No. | CV 15-07620-BRO (KSx) | Date | November 12, 2015 |
| Title | BREW THRU, INC. V. REVEL SYSTEMS, INC. | | |

Present: The Honorable **BEVERLY REID O’CONNELL, United States District Judge**

Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS)

ORDER TO SHOW CAUSE RE: FAILURE TO OPPOSE

Pending before the Court is Defendant Revel Systems, Inc.’s (“Defendant”) Motion to Dismiss for Lack of Subject Matter Jurisdiction and Improper Venue. (Dkt. No. 24.) On October 6, 2015, the Court issued an Order to Show Cause (“OSC”) requiring Plaintiff Brew Thru, Inc. (“Plaintiff”) to explain how the amount in controversy requirement under 28 U.S.C. § 1332 is met in this action. (Dkt. No. 12.) Plaintiff responded on October 13, 2015, (Dkt. No. 13), and the Court subsequently discharged the OSC, (Dkt. No. 15). However, Defendant then requested leave to file a response to Plaintiff’s response to the OSC, (Dkt. No. 17), which the Court granted on October 26, 2015, (Dkt. No. 22). The same day, Defendant filed its Response. (Dkt. No. 23.) Four days later, on October 30, 2015, Defendant filed the instant Motion, noticing a hearing date of November 30, 2015. (Dkt. No. 24.)

Under the Central District’s Local Rules, a party must oppose a motion at least twenty-one (21) days prior to the scheduled hearing date. *See* C.D. Cal. L.R. 7-9.¹ Accordingly, Plaintiff opposition was due no later than Monday, November 9, 2015. However, as of today, Plaintiff has not filed an opposition. Pursuant to Local Rule 7-12, the failure to file an opposition “may be deemed consent to the granting . . . of the motion.” *See* C.D. Cal. L.R. 7-12.

¹ A copy of the Local Civil Rules is available at the United States District Court, Central District of California’s website: <https://www.cacd.uscourts.gov/court-procedures/local-rules>.

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Plaintiff is **ORDERED TO SHOW CAUSE** as to why Defendant's Motion to Dismiss should not be granted. **Both (1) Plaintiff's response to this Order and (2) Plaintiff's opposition to the Motion to Dismiss, if any, shall be filed by no later than Friday, November 20, 2015, at 4:00 p.m.** In its response, Plaintiff may refer to its October 13, 2015 response to the Court's first OSC with regard to the 12(b)(1) portion of Defendant's Motion. However, given that Plaintiff's October 13 response did not address the newly raise venue issue, Plaintiff's opposition must address the 12(b)(3) portion of Defendant's Motion. Plaintiff's response must also include reasons demonstrating good cause for Plaintiff's failure to timely oppose. Plaintiff's failure to file an opposition by the designated deadline may result in the granting of Defendant's Motion. *See* C.D. Cal. L.R. 7-12.

IT IS SO ORDERED.

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Initials of Preparer

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